



Sen. William R. Haine

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LRB096 16568 RLC 40773 a

1 AMENDMENT TO HOUSE BILL 5060

2 AMENDMENT NO. _____. Amend House Bill 5060, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Unified Code of Corrections is amended by
6 changing Sections 3-3-2 and 3-3-4 as follows:

7 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

8 Sec. 3-3-2. Powers and Duties.

9 (a) The Parole and Pardon Board is abolished and the term
10 "Parole and Pardon Board" as used in any law of Illinois, shall
11 read "Prisoner Review Board." After the effective date of this
12 amendatory Act of 1977, the Prisoner Review Board shall provide
13 by rule for the orderly transition of all files, records, and
14 documents of the Parole and Pardon Board and for such other
15 steps as may be necessary to effect an orderly transition and
16 shall:

1 (1) hear by at least one member and through a panel of
2 at least 3 members decide, cases of prisoners who were
3 sentenced under the law in effect prior to the effective
4 date of this amendatory Act of 1977, and who are eligible
5 for parole;

6 (2) hear by at least one member and through a panel of
7 at least 3 members decide, the conditions of parole and the
8 time of discharge from parole, impose sanctions for
9 violations of parole, and revoke parole for those sentenced
10 under the law in effect prior to this amendatory Act of
11 1977; provided that the decision to parole and the
12 conditions of parole for all prisoners who were sentenced
13 for first degree murder or who received a minimum sentence
14 of 20 years or more under the law in effect prior to
15 February 1, 1978 shall be determined by a majority vote of
16 the Prisoner Review Board. One representative supporting
17 parole and one representative opposing parole will be
18 allowed to speak. Their comments shall be limited to making
19 corrections and filling in omissions to the Board's
20 presentation and discussion;

21 (3) hear by at least one member and through a panel of
22 at least 3 members decide, the conditions of mandatory
23 supervised release and the time of discharge from mandatory
24 supervised release, impose sanctions for violations of
25 mandatory supervised release, and revoke mandatory
26 supervised release for those sentenced under the law in

1 effect after the effective date of this amendatory Act of
2 1977;

3 (3.5) hear by at least one member and through a panel
4 of at least 3 members decide, the conditions of mandatory
5 supervised release and the time of discharge from mandatory
6 supervised release, to impose sanctions for violations of
7 mandatory supervised release and revoke mandatory
8 supervised release for those serving extended supervised
9 release terms pursuant to paragraph (4) of subsection (d)
10 of Section 5-8-1;

11 (4) hear by at least 1 member and through a panel of at
12 least 3 members, decide cases brought by the Department of
13 Corrections against a prisoner in the custody of the
14 Department for alleged violation of Department rules with
15 respect to good conduct credits pursuant to Section 3-6-3
16 of this Code in which the Department seeks to revoke good
17 conduct credits, if the amount of time at issue exceeds 30
18 days or when, during any 12 month period, the cumulative
19 amount of credit revoked exceeds 30 days except where the
20 infraction is committed or discovered within 60 days of
21 scheduled release. In such cases, the Department of
22 Corrections may revoke up to 30 days of good conduct
23 credit. The Board may subsequently approve the revocation
24 of additional good conduct credit, if the Department seeks
25 to revoke good conduct credit in excess of thirty days.
26 However, the Board shall not be empowered to review the

1 Department's decision with respect to the loss of 30 days
2 of good conduct credit for any prisoner or to increase any
3 penalty beyond the length requested by the Department;

4 (5) hear by at least one member and through a panel of
5 at least 3 members decide, the release dates for certain
6 prisoners sentenced under the law in existence prior to the
7 effective date of this amendatory Act of 1977, in
8 accordance with Section 3-3-2.1 of this Code;

9 (6) hear by at least one member and through a panel of
10 at least 3 members decide, all requests for pardon,
11 reprieve or commutation, and make confidential
12 recommendations to the Governor;

13 (7) comply with the requirements of the Open Parole
14 Hearings Act;

15 (8) hear by at least one member and, through a panel of
16 at least 3 members, decide cases brought by the Department
17 of Corrections against a prisoner in the custody of the
18 Department for court dismissal of a frivolous lawsuit
19 pursuant to Section 3-6-3(d) of this Code in which the
20 Department seeks to revoke up to 180 days of good conduct
21 credit, and if the prisoner has not accumulated 180 days of
22 good conduct credit at the time of the dismissal, then all
23 good conduct credit accumulated by the prisoner shall be
24 revoked; and

25 (9) hear by at least 3 members, and, through a panel of
26 at least 3 members, decide whether to grant certificates of

1 relief from disabilities or certificates of good conduct as
2 provided in Article 5.5 of Chapter V.

3 (a-5) The Prisoner Review Board, with the cooperation of
4 and in coordination with the Department of Corrections and the
5 Department of Central Management Services, shall implement a
6 pilot project in 3 correctional institutions providing for the
7 conduct of hearings under paragraphs (1) and (4) of subsection
8 (a) of this Section through interactive video conferences. The
9 project shall be implemented within 6 months after the
10 effective date of this amendatory Act of 1996. Within 6 months
11 after the implementation of the pilot project, the Prisoner
12 Review Board, with the cooperation of and in coordination with
13 the Department of Corrections and the Department of Central
14 Management Services, shall report to the Governor and the
15 General Assembly regarding the use, costs, effectiveness, and
16 future viability of interactive video conferences for Prisoner
17 Review Board hearings.

18 (b) Upon recommendation of the Department the Board may
19 restore good conduct credit previously revoked.

20 (c) The Board shall cooperate with the Department in
21 promoting an effective system of parole and mandatory
22 supervised release.

23 (d) The Board shall promulgate rules for the conduct of its
24 work, and the Chairman shall file a copy of such rules and any
25 amendments thereto with the Director and with the Secretary of
26 State.

1 (e) The Board shall keep records of all of its official
2 actions and shall make them accessible in accordance with law
3 and the rules of the Board.

4 (f) The Board or one who has allegedly violated the
5 conditions of his parole or mandatory supervised release may
6 require by subpoena the attendance and testimony of witnesses
7 and the production of documentary evidence, electronic
8 evidence, computer files, DVDs, or audio or tape recordings
9 relating to any matter under investigation or hearing and may
10 subpoena other physical evidence for the purpose of hearings
11 specifically authorized under paragraph (3), (3.5), (4), or (8)
12 of subsection (a) subject to the Board's maintenance of a
13 continuous chain of custody. The Chairman of the Board may sign
14 subpoenas which shall be served by any agent or public official
15 authorized by the Chairman of the Board, or by any person
16 lawfully authorized to serve a subpoena under the laws of the
17 State of Illinois. The attendance of witnesses, and the
18 production of documentary evidence, physical evidence,
19 electronic evidence, computer files, DVDs, or audio or tape
20 recordings may be required from any place in the State to a
21 hearing location in the State before the Chairman of the Board
22 or his designated agent or agents or any duly constituted
23 Committee or Subcommittee of the Board. Witnesses so summoned
24 shall be paid the same fees and mileage that are paid witnesses
25 in the circuit courts of the State, and witnesses whose
26 depositions are taken and the persons taking those depositions

1 are each entitled to the same fees as are paid for like
2 services in actions in the circuit courts of the State. Fees
3 and mileage shall be vouchered for payment when the witness is
4 discharged from further attendance.

5 In case of disobedience to a subpoena, the Board may
6 petition any circuit court of the State for an order requiring
7 the attendance and testimony of witnesses or the production of
8 documentary evidence, physical evidence, electronic evidence,
9 computer files, DVDs, or audio or tape recordings, or both. A
10 copy of such petition shall be served by personal service or by
11 registered or certified mail upon the person who has failed to
12 obey the subpoena, and such person shall be advised in writing
13 that a hearing upon the petition will be requested in a court
14 room to be designated in such notice before the judge hearing
15 motions or extraordinary remedies at a specified time, on a
16 specified date, not less than 10 nor more than 15 days after
17 the deposit of the copy of the written notice and petition in
18 the U.S. mails addressed to the person at his last known
19 address or after the personal service of the copy of the notice
20 and petition upon such person. The court upon the filing of
21 such a petition, may order the person refusing to obey the
22 subpoena to appear at an investigation or hearing, or to there
23 produce ~~documentary~~ evidence, if so ordered, or to give
24 evidence relative to the subject matter of that investigation
25 or hearing. Any failure to obey such order of the circuit court
26 may be punished by that court as a contempt of court.

1 Each member of the Board and any hearing officer designated
2 by the Board shall have the power to administer oaths and to
3 take the testimony of persons under oath.

4 (g) Except under subsection (a) of this Section, a majority
5 of the members then appointed to the Prisoner Review Board
6 shall constitute a quorum for the transaction of all business
7 of the Board.

8 (h) The Prisoner Review Board shall annually transmit to
9 the Director a detailed report of its work for the preceding
10 calendar year. The annual report shall also be transmitted to
11 the Governor for submission to the Legislature.

12 (Source: P.A. 96-875, eff. 1-22-10.)

13 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

14 Sec. 3-3-4. Preparation for Parole Hearing.

15 (a) The Prisoner Review Board shall consider the parole of
16 each eligible person committed to the Adult Division at least
17 30 days prior to the date he shall first become eligible for
18 parole, and shall consider the parole of each person committed
19 to the Department of Juvenile Justice as a delinquent at least
20 30 days prior to the expiration of the first year of
21 confinement.

22 (b) A person eligible for parole shall, no less than 15
23 days in advance of his parole interview, prepare a parole plan
24 in accordance with the rules of the Prisoner Review Board. The
25 person shall be assisted in preparing his parole plan by

1 personnel of the Department of Corrections, or the Department
2 of Juvenile Justice in the case of a person committed to that
3 Department, and may, for this purpose, be released on furlough
4 under Article 11 or on authorized absence under Section 3-9-4.
5 The appropriate Department shall also provide assistance in
6 obtaining information and records helpful to the individual for
7 his parole hearing. If the person eligible for parole has a
8 petition or any written submissions prepared on his or her
9 behalf by an attorney or other representative, the attorney or
10 representative for the person eligible for parole must serve by
11 certified mail the State's Attorney of the county where he or
12 she was prosecuted with the petition or any written submissions
13 15 days after his or her parole interview. The State's Attorney
14 shall provide the attorney for the person eligible for parole
15 with a copy of his or her letter in opposition to parole via
16 certified mail within 5 business days of the en banc hearing.

17 (c) Any member of the Board shall have access at all
18 reasonable times to any committed person and to his master
19 record file within the Department, and the Department shall
20 furnish such a report to the Board concerning the conduct and
21 character of any such person prior to his or her parole
22 interview.

23 (d) In making its determination of parole, the Board shall
24 consider:

25 (1) material transmitted to the Department of Juvenile
26 Justice by the clerk of the committing court under Section

1 5-4-1 or Section 5-10 of the Juvenile Court Act or Section
2 5-750 of the Juvenile Court Act of 1987;

3 (2) the report under Section 3-8-2 or 3-10-2;

4 (3) a report by the Department and any report by the
5 chief administrative officer of the institution or
6 facility;

7 (4) a parole progress report;

8 (5) a medical and psychological report, if requested by
9 the Board;

10 (6) material in writing, or on film, video tape or
11 other electronic means in the form of a recording submitted
12 by the person whose parole is being considered; and

13 (7) material in writing, or on film, video tape or
14 other electronic means in the form of a recording or
15 testimony submitted by the State's Attorney and the victim
16 or a concerned citizen pursuant to the Rights of Crime
17 Victims and Witnesses Act.

18 (e) The prosecuting State's Attorney's office shall
19 receive from the Board reasonable written notice not less than
20 30 days prior to the parole interview and may submit relevant
21 information by oral argument or testimony of victims and
22 concerned citizens, or both, in writing, or on film, video tape
23 or other electronic means or in the form of a recording to the
24 Board for its consideration. Upon written request of the
25 State's Attorney's office, the Prisoner Review Board shall hear
26 protests to parole, except in counties of 1,500,000 or more

1 inhabitants where there shall be standing objections to all
2 such petitions. If a State's Attorney who represents a county
3 of less than 1,500,000 inhabitants requests a protest hearing,
4 the inmate's counsel or other representative shall also receive
5 notice of such request. This hearing shall take place the month
6 following the inmate's parole interview. If the inmate's parole
7 interview is rescheduled then the Prisoner Review Board shall
8 promptly notify the State's Attorney of the new date. The
9 person eligible for parole shall be heard at the next scheduled
10 en banc hearing date. If the case is to be continued, the
11 State's Attorney's office and the attorney or representative
12 for the person eligible for parole will be notified of any
13 continuance within 5 business days. The State's Attorney may
14 waive the written notice.

15 (f) The victim of the violent crime for which the prisoner
16 has been sentenced shall receive notice of a parole hearing as
17 provided in paragraph (4) of subsection (d) of Section 4.5 of
18 the Rights of Crime Victims and Witnesses Act.

19 (g) Any recording considered under the provisions of
20 subsection (d)(6), (d)(7) or (e) of this Section shall be in
21 the form designated by the Board. Such recording shall be both
22 visual and aural. Every voice on the recording and person
23 present shall be identified and the recording shall contain
24 either a visual or aural statement of the person submitting
25 such recording, the date of the recording and the name of the
26 person whose parole eligibility is being considered. Such

1 recordings shall be retained by the Board and shall be deemed
2 to be submitted at any subsequent parole hearing if the victim
3 or State's Attorney submits in writing a declaration clearly
4 identifying such recording as representing the present
5 position of the victim or State's Attorney regarding the issues
6 to be considered at the parole hearing.

7 (h) The Board shall not release any material to the inmate,
8 the inmate's attorney, any third party, or any other person
9 containing any information from the victim or from a person
10 related to the victim by blood, adoption, or marriage who has
11 written objections, testified at any hearing, or submitted
12 audio or visual objections to the inmate's parole, unless
13 provided with a waiver from that objecting party.

14 (Source: P.A. 96-875, eff. 1-22-10.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.".